

# REQUEST FOR ACTION BY:

TOWN OF CLARENCE, N.Y.

- ☒ Appeal Board  
☐ Planning Board  
☐ Town Board

- ☒ Appeal  
☐ Rezone  
☐ Revise Ordinance  
☐ Subdivision  
☐ Limited Use Permit  
☐ Other

Rec'd. by: Michael Hutchinson

Date May 13, 2013

**Action Desired** Applicant requests a variance of 12 square feet to allow for a 32 square foot Pole Sign at 10995 Main Street. The property is located within the Traditional Neighborhood Zoning District.

**Reason**

Town Code Reference:

Section 181-3(D)

## PLEASE PRINT

**Name** Picone Construction

**Address** 10995 Main Street

Clarence, NY 14031

**Town/City** **State** **Zip**  
**Phone**

**Signed** SIGNATURE ON FILE

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Rejected ☐ by ..... on ..... 19 .....

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Hearing Held by ..... on ..... 19 .....

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Filed with Town Clerk ..... on ..... 19 .....

Filed with County Clerk ..... on ..... 19 .....

## Request for Variance by 10995 Main LLC

Attachment to Request for Action:

### Action Desired:

- Allow 32 SF (4' high x 8' wide) Sign
- See attached Sign Elevation and Location Map.

### Reason:

- We are on the outskirts of Town, away from a majority of residential community of the Hollow – our east property line is part of the border separating Clarence from Newstead. Therefore this sign would not be unpleasant on residential property Owners of the Hollow.
- There are many signs very close to our property and specifically on the Main St corridor that are the same size as our proposed sign or even larger. See attached Details. Therefore we are maintaining continuity with many of the other businesses along the Main St corridor.
- The closest sign to our new sign would be the existing “Historic Clarence Hollow” sign, which is 32 SF (4' high x 8' wide) with a banner below as well. It also sits higher off the ground than ours would. It seems the Town of Clarence also recognized the importance of using a larger and traditional 32 SF sign along the Main St corridor to advertise itself, just as we are proposing.
- The company proposing to manufacture our sign is the same company that provided a sign to the Town of Clarence on Goodrich, as you enter the Municipal complex. Just as the Town of Clarence selected a larger, tasteful sign to advertise itself, so have we with a very elegant and simple sign.
- The sign will also be used to identify the Number of our address. I’m certain many seniors may find this helpful in a larger format.
- The adjacent properties are 10985 Main Street & 11061 Main Street as indicated on the Erie County GIS map – we believe both properties are owned by Mr. Kelly Schultz of Antique World – Neighbor Notification Forms for both properties were hand-delivered to his office and signed by Mr. Kelly Schultz on 5/13/13 – both Forms are attached



# SIGNLANGUAGE INC. DESIGN CONCEPT SIGN PROOF

Sandblasted & Carved Signs • 23k Gold Leaf • Computer Graphics  
Commercial / Architectural • Design • Fabrication • Installation • Vinyl

## PICONE CONSTRUCTION

DOUBLESIDED V-CARVED 18# SIGNFOAM 3 SIGN  
2 INCHES DEEP BY 4 FEET HIGH BY 8 FEET WIDE  
WEB ADDRESS SIGN - 2 INCHES DEEP BY 8 INCHES HIGH BY 6 FEET WIDE  
VERSION #2



**FINAL ARTWORK APPROVAL**  
PLEASE PRINT NAME AND SIGN CONTINUE  
POSITIVELY, ONCE YOU APPROVE, SIGN AND PAY  
THIS BACK TO 345-237-2620. ANY CHANGES WILL BE  
THE CUSTOMER'S RESPONSIBILITY

**APPROVED**  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

### DESCRIPTION:

OUTER BORDER - PMS 2758 BLUE  
INNER BORDER - METALLIC SILVER PAINT  
BACKGROUND - PMS 2758 BLUE  
LETTERING - METALLIC SILVER PAINT

POSTS - DURANODIC BRONZE WITH SILVER TOPS & DURANODIC BRONZE FLUTES

THE ARTWORK DEPICTED HEREIN IS THE EXCLUSIVE PROPERTY OF SIGNLANGUAGE INC.  
& CANNOT BE REPRODUCED, COPIED OR EXHIBITED WITHOUT OUR PRIOR WRITTEN CONSENT.  
ALL SIGNS WILL BE PRODUCED USING HIGH DENSITY FOAM UNLESS ANOTHER MATERIAL IS SPECIFIED.

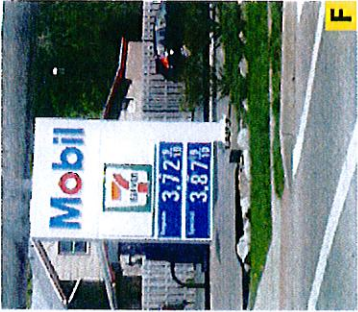
6491 Route 20-A Perry, N.Y. 14530 Ph.: (585) 237-2620 Fax (585) 237-5868 1-866-909-2620 [www.signlanguageinc.com](http://www.signlanguageinc.com)







B



F



G



H



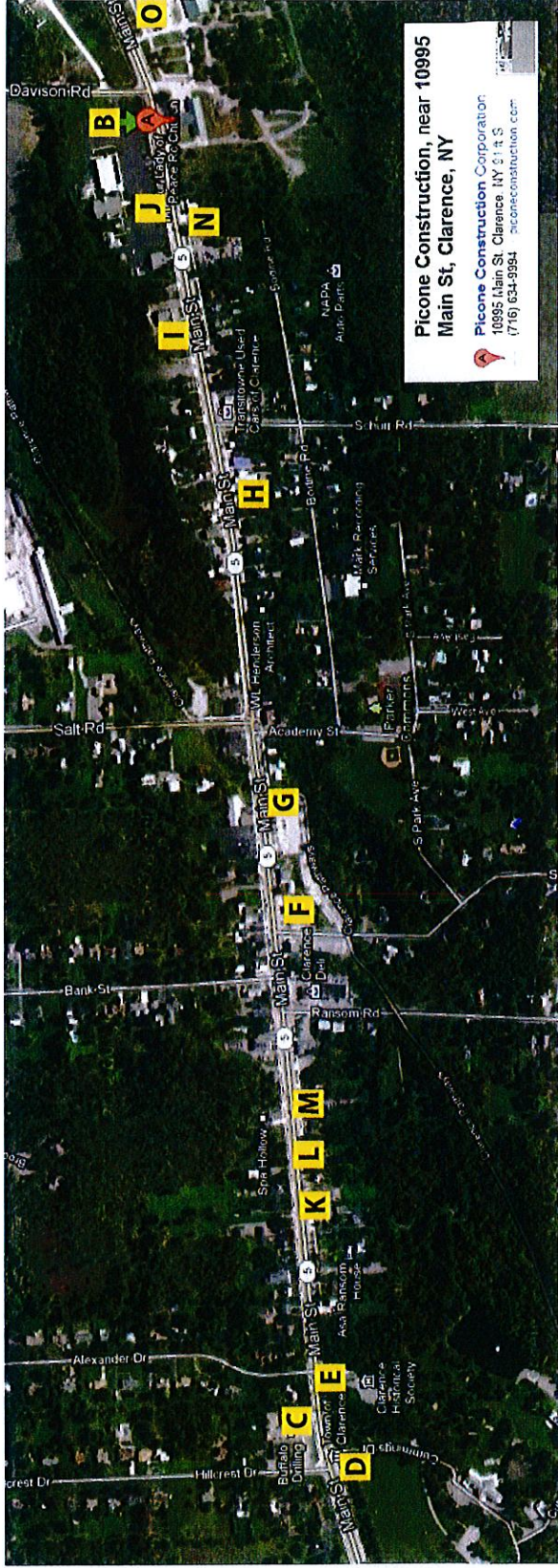
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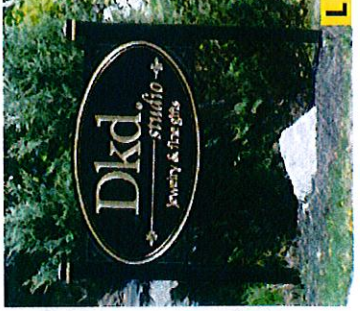
D



E



K



L



M



N



O





4' high x 8' wide

Clarence Hollow  
Community Character  
Protection Board  
Submittals

Scott Kreher [scott@krehereggs.net]  
Thursday, May 16, 2013 4:46 PM  
Michael Hutchinson  
RE: 10995 Main Street - Sign Proposal

Hi Michael,

This sign looks nice to me.

Thank you,

Scott W. Kreher  
716/759-6802  
716/713-3382 cell



**From:** Michael Hutchinson [<mailto:MHutchinson@clarence.ny.us>]  
**Sent:** Thursday, May 16, 2013 3:38 PM  
**To:** Scott Kreher  
**Subject:** 10995 Main Street - Sign Proposal

**From:** Michael Hutchinson  
**Sent:** Thursday, May 16, 2013 3:34 PM  
**To:** 'bill@wlhendersonarchitect.com'; 'scott@krehereggs.com'; 'rwlenz@aol.com'  
**Subject:** 10995 Main Street - Sign Proposal

Gentlemen,

Please find attached, for your review, the design concept of a proposed sign in the Clarence Hollow at the Picone Construction Facility.

The sign exceeds our zoning regulations for the Traditional Neighborhood District by 12 square feet and is going before the Zoning Board of Appeals in June.

Please feel free to contact me with any questions.

Thank you,

Michael Hutchinson  
Junior Planner  
Town of Clarence

## Michael Hutchinson

---

**From:** RWLenz@aol.com  
**Sent:** Tuesday, May 28, 2013 7:56 AM  
**To:** Michael Hutchinson  
**Subject:** Re: 10995 Main Street - Sign Proposal

Re: Sign

> Its hard to tell the color appeal from the description and the print out.

> I feel that the size for that location is ok, as its on the very edge of the district near the large Antique sign.

Bob

In a message dated 5/16/2013 3:35:37 P.M. Eastern Daylight Time, [MHutchinson@clarence.ny.us](mailto:MHutchinson@clarence.ny.us) writes:

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Thank you,

Michael Hutchinson  
Junior Planner  
Town of Clarence



## Michael Hutchinson

---

**From:** bill [bill@wlhendersonarchitect.com]  
**Sent:** Thursday, May 16, 2013 3:57 PM  
**To:** Michael Hutchinson; scott@krehereggs.com; rwlenz@aol.com  
**Subject:** RE: 10995 Main Street - Sign Proposal

I must recuse myself from commenting on this submission because of business relationships.

**From:** Michael Hutchinson [mailto:MHutchinson@clarence.ny.us]  
**Sent:** Thursday, May 16, 2013 3:34 PM  
**To:** bill@wlhendersonarchitect.com; scott@krehereggs.com; rwlenz@aol.com  
**Subject:** 10995 Main Street - Sign Proposal

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Town of Clarence

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☐ **Subdivision**  
☐ **Limited Use Permit**  
☐ **Other**

**Rec'd. by:** Michael Hutchinson

**Date** May 17, 2013

**Action Desired** Applicant requests a variance of 27 square feet to allow for a 87 square foot sign on a future RPZ Building at 8555 Transit Road. In addition, the proposed sign has a 45 square foot LED portion that exceeds the maximum square footage requirement of 21 square feet. A variance of 24 square feet is requested to allow for the proposed LED portion. The property is located within the Major Arterial Zoning District.

**Reason** Due to the required size of the RPZ Building that is proposed, the sign attached would look disproportional with the maximum size permitted.

**Town Code Reference:**

**PLEASE PRINT**

Chapter 181-3

**Name** Niagara County Produce

**Address** 8555 Transit Road

Michael Berger

East Amherst, NY 14051

Sutton Architecture

**Town/City** East Amherst **State** NY **Zip** 14051

932-7156

**Signed** SIGNATURE ON FILE

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NIAGARA COUNTY  
PRODUCE

PROPOSED LED  
PORTION OF SIGN  
45 SQUARE FEET

3'

15'

15'25"

NIAGARA COUNTY  
PRODUCE

PROPOSED LED  
PORTION OF SIGN  
45 SQUARE FEET

3'

15'

15'25"

[illegible][illegible][illegible][illegible][illegible][illegible][illegible]

20'-6"

14'-0"

4'-9"

8"

7'-9"

1'-6"

Overhang  
Typ.

1'-8"

6'-5"

4'-0"

16'-8"

15'-4"

3'

3'

15'

15'-25'

PROPOSED LED  
PORTION OF SIGN  
45 SQUARE FEET

NIAGARA COUNTY  
PRODUCE

1.8

[illegible]



May 17, 2013

Town of Clarence  
Zoning Board of Appeals  
One Town Place  
Clarence, NY 14031

RE: **Applicant- Niagara County Produce**  
8555 Transit Road  
East Amherst, NY 14051

**Variance Application for Section 181.3**  
8555 Transit Road East Amherst, NY 14051  
Sign size requirement

**Dear: Members of the Zoning Board of Appeals:**

I am submitting this letter on behalf of Niagara County Produce to set forth the reason our client believes the Zoning Board of Appeals should grant the requested **area variance** for the proposed new sign @ 8555 Transit Road in the Town of Clarence.

**Description of Requested Area Variance**

Niagara County Produce is proposing to construct a 20'-8" x 10'-0" x 20'-0" tall structure in order to enclose the required RPZ equipment on the property. This is being done in such a way as to eliminate the need for a "Hot Box" type structure and provide a more appealing look at the Transit Road property line. They also wish to use this structure to display their company signage.

However, the size limitations set forth in the Zoning Code would make the sign look disproportionate to the required size of the structure. In order to sufficiently enclose the RPZ equipment, we would respectfully ask for an increase of 27 s.f. per side to make the sign more aesthetically pleasing and proportional to the RPZ structure.

**Grounds for Requested Area Variance**

When considering an Area Variance the Zoning Board of Appeals is required to balance the benefits that will be realized by the applicant if the requested variance is granted to be weighed against any resulting detriment to the health, safety and welfare of the community.

If the Zoning Board of Appeals grants the requested area variance, the property owner/occupant will realize significant benefits. The applicant will receive the benefit of having an aesthetically pleasing sign that fits the character of their new building and the surrounding neighborhood and will not present a negative impact on the surrounding properties and/or the neighboring community.

*design2build.com*

Tel: 716.932.7156  
Fax: 716.932.7873

5409 Main Street  
Williamsville, NY 14221





In contrast to the significant benefits that will be realized if the requested area variance is granted, any resulting detriments to the health, safety and welfare of the surrounding neighborhood are not significant.

Pursuant to the Zoning Board of Appeals procedures, when applying the mandatory balancing test, a zoning board of appeals is required to consider five criteria as follows:

1. **Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested use variance.**

The applicant believes that the granting of the requested variance will not result in an undesirable change in the character of the neighborhood or a detriment to nearby properties.

2. **Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than a use variance.**

The desired benefit to the applicant is to create a proportional look to the sign that is intended to be installed on the RPZ building. There is no other way to achieve this without a larger sign.

3. **Whether the requested area variance is substantial.**

The requested variance would be for 27 square feet increase in the sign criteria.

4. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.**

The proposed variance shall not have an adverse effect or impact on the physical or environmental conditions of the neighborhood, because the building being proposed will not change in size regardless of the size of the sign. Furthermore, the proposed project eliminates the need for a large hot box for the required RPZ.

5. **Whether the alleged difficulty was self-created.**

It is the Applicant's position that the alleged difficulty is not self created due to the fact that the required RPZ equipment is dictating the size of the building. It is the requirement that is driving the size of the sign.

*design2build.com*

Tel: 716.932.7156  
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5409 Main Street  
Williamsville, NY 14221



Conclusion

The Applicant respectfully requests that the Zoning Board of Appeals grant the requested area variance on the information contained in the Variance Application, the Site Plan, Elevations and details prepared by Sutton Architecture, PLLC and the information contained in this letter.

Thank you very much for your continued cooperation and if you have any additional questions, please feel free to contact me @ 716-932-7156.

Sincerely,  
**Sutton Architecture, PLLC**

A handwritten signature in blue ink, appearing to read "David Sutton", is written over a light blue, textured background.

David Sutton RA  
Principal

*design2build.com*

Tel: 716.932.7156  
Fax: 716.932.7873

5409 Main Street  
Williamsville, NY 14221





**Niagara County Produce**

Proposed Project For:

8653 Transit Road  
Cheerese, New York

Contact: Lorie Anderson #7913

Proposed Project For:

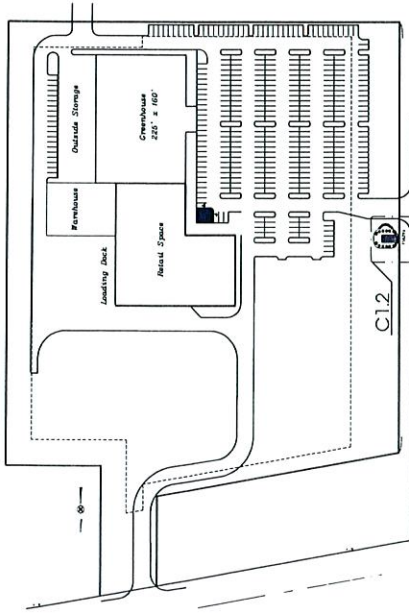
Niagara County Produce®

8555 Transit Road  
Clarence, New York  
□ □ □ □ □ □  
Call 212 279-2800 • 2713

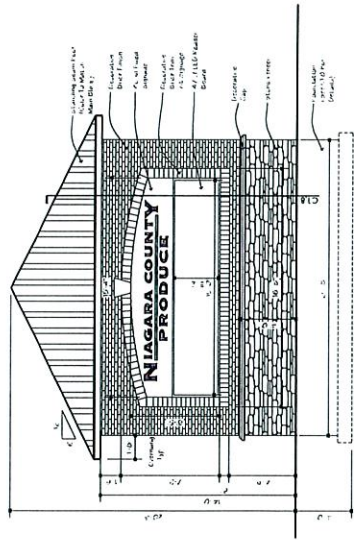
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1003

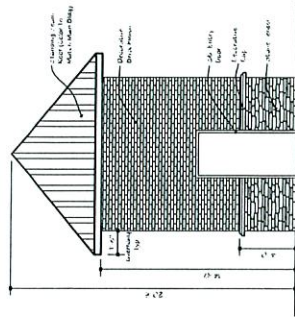
WARREN



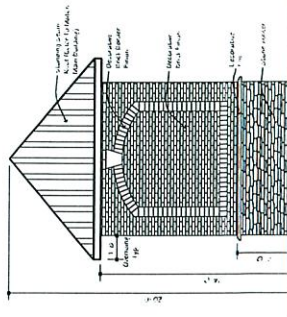
Key Plan



RPZ Enclosure - North & South Elevation



East Elevation

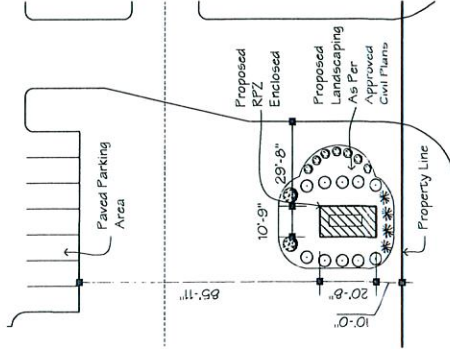


West Elevation



Actual Size Message 41' x 183'  
Graphic Size 3' x 15'

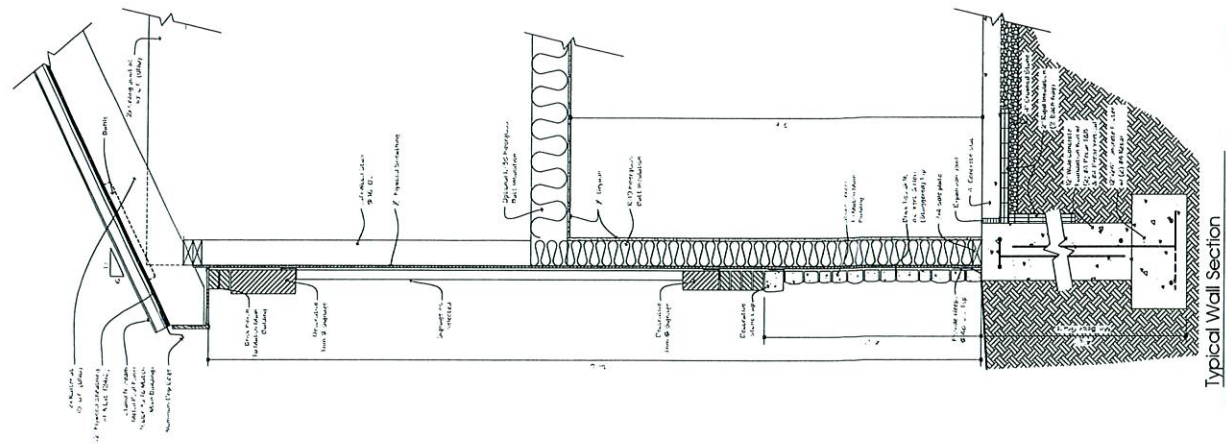
Signage Diagram



Site Plan (Paved)



**Proposed Sign For:**  
**Niagara County Produce**  
**8555 Transit Road**  
**Clarence, New York**



Typical Wall Section



# REQUEST FOR ACTION BY:

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☐ Town Board

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☐ Rezone  
☐ Revise Ordinance  
☐ Subdivision  
☐ Limited Use Permit  
☐ Other

Rec'd. by: Michael Hutchinson

Date May 29, 2013

**Action Desired** Applicant requests a 3' variance to allow for a 22' Front Yard Setback for the construction of a new home at 6826 Rivera Way. The property is located in the Rivera Greens Subdivision and requires a 25' Front Yard Setback.

**Reason**

**Town Code Reference:**

Map Cover #3494

## PLEASE PRINT

**Name** Larry LaDuca/Natale Builders

**Address** 9159 Main Street

Clarence NY 14031

**Town/City** **State** **Zip**

**Phone** 580-3914

**Signed** SIGNATURE ON FILE

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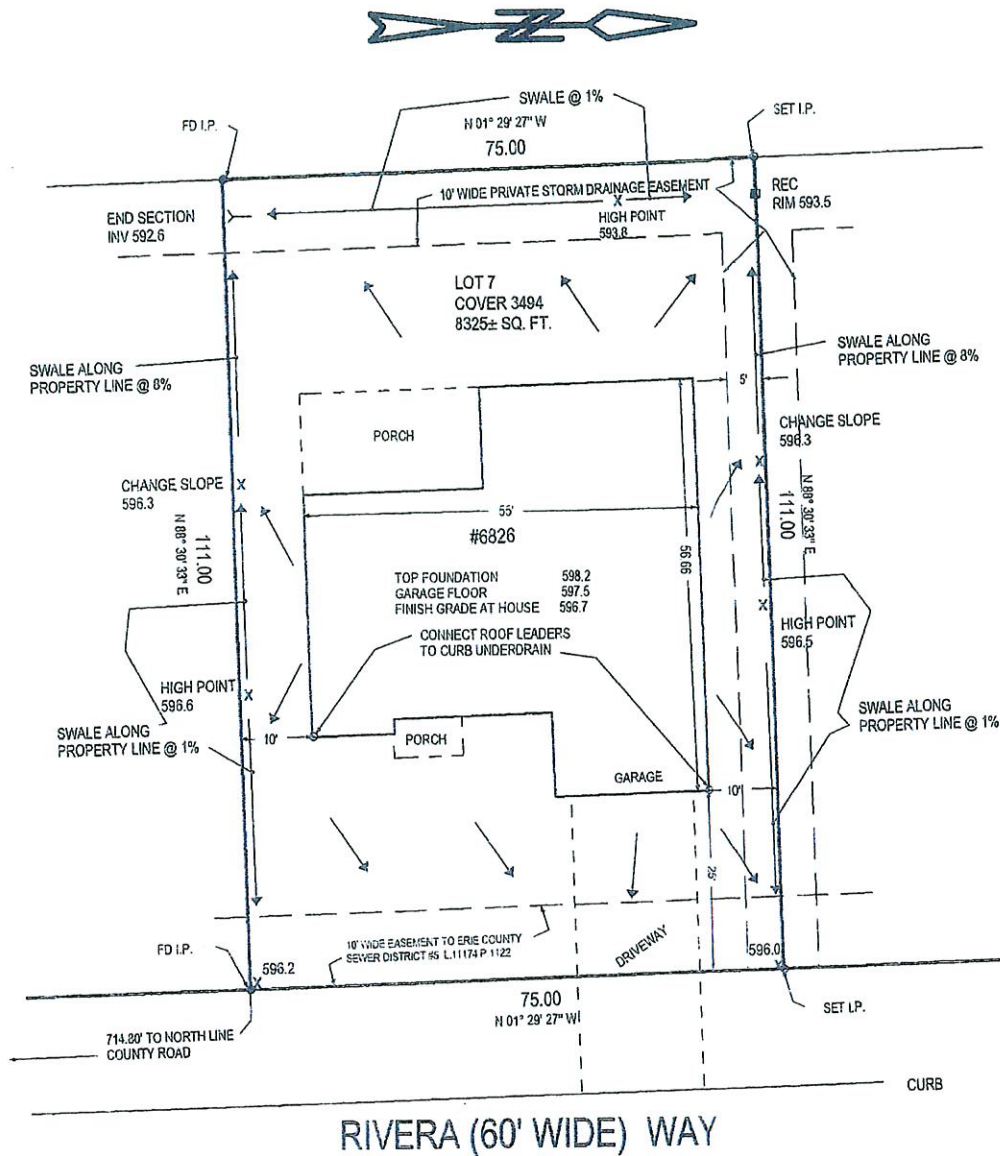
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NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO  
THIS SURVEY MAP IS A VIOLATION OF SECTION 7209,  
PART 2 OF THE NEW YORK STATE EDUCATION LAW.



### GRADING PLAN 6826 RIVERA WAY

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF  
AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF  
FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SAME.

# BISELL+STONE

**BISELL, STONE ASSOCIATES**  
**ENGINEERING AND LAND SURVEYING, P.C.**  
CIVIL ENGINEERING : LAND SURVEYING : SITE PLANNING : CONSULTING  
TELEPHONE: (716) 632-7000 FAX: (716) 632-7004

DATE: JANUARY 29, 2013

JOB NO: 55901-7G

FIELD BOOK: DC

SCALE 1" = 20'

GRADING PLAN  
FEBRUARY 15, 2013

SURVEY OF PART OF LOT 4  
TOWN OF CLARENCE

SECTION 16

TOWNSHIP 12

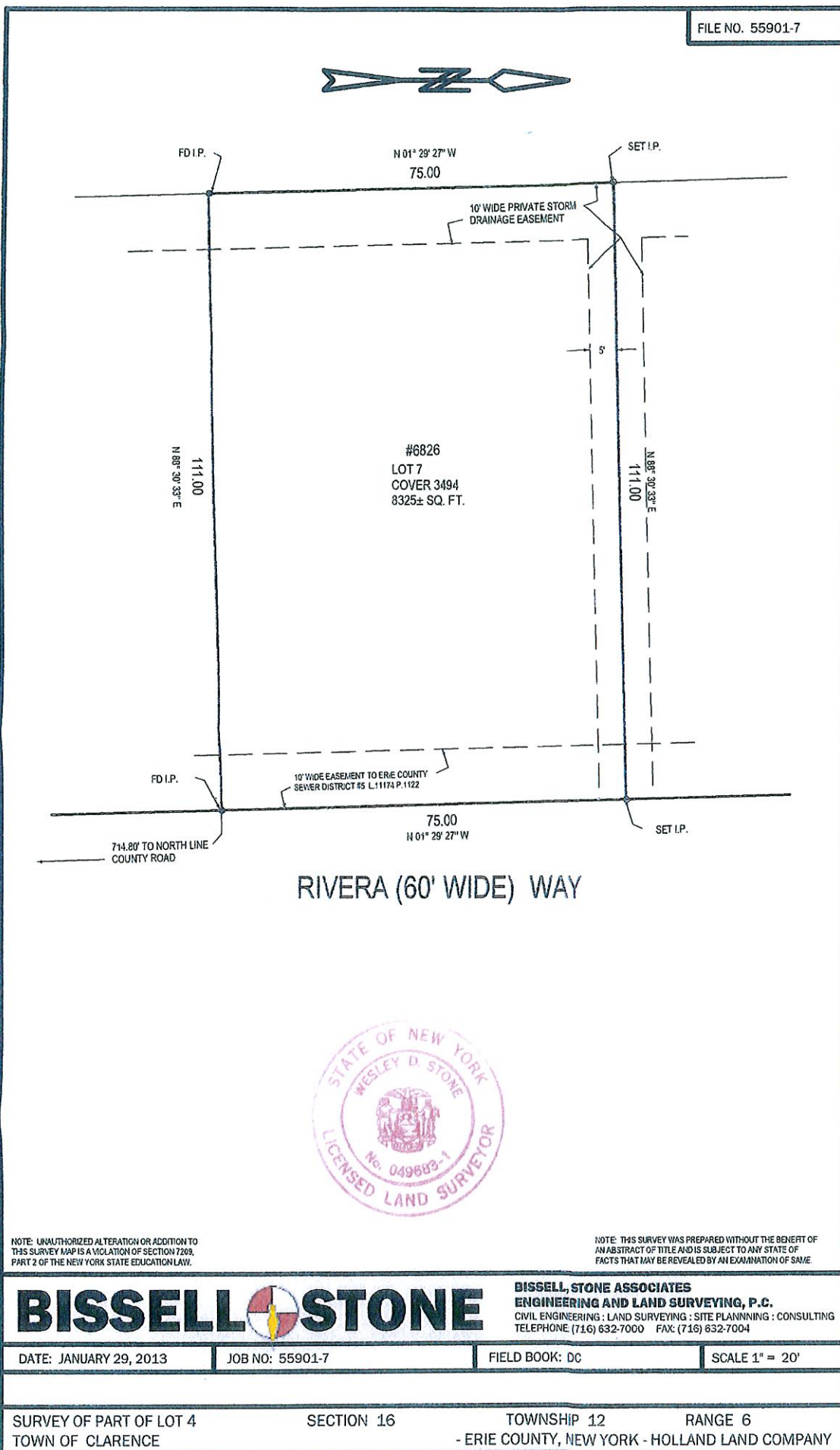
RANGE 6

- ERIE COUNTY, NEW YORK - HOLLAND LAND COMPANY

FORMERLY GEO. D'EM., SHEEHAN, FRETTS & TALLAM; FRETTS & SENIOR, SENIOR, BISELL & BROOKIE  
DESIGN SYSTEM COLLABORATIVE, THE BISELL CO.

(1) Plan 2-10-13

FILE NO. 55901-7



**BISSELL STONE**

**BISSELL, STONE ASSOCIATES**  
ENGINEERING AND LAND SURVEYING, P.C.  
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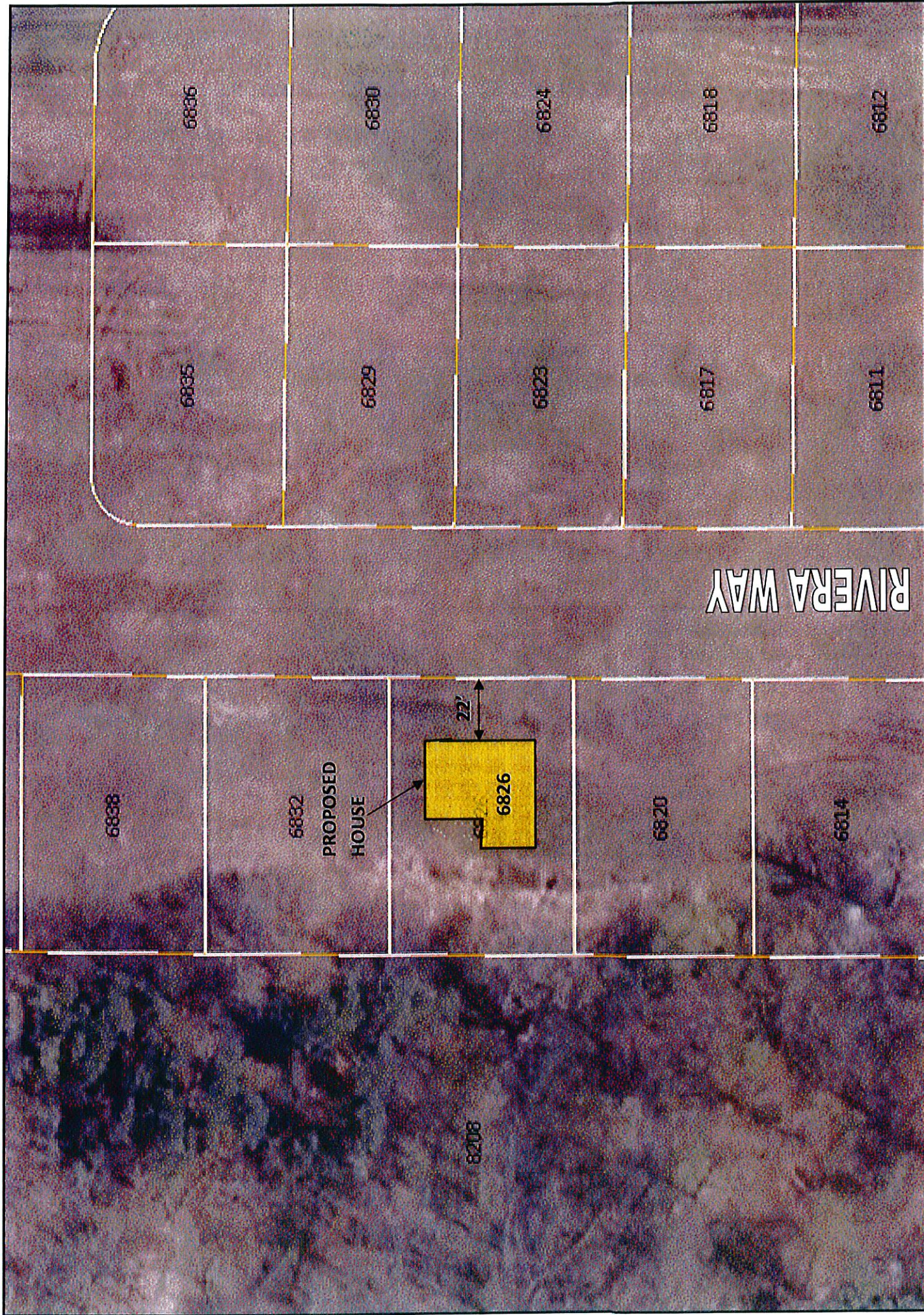
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RIVERA WAY

6836

6830

6824

6818

6812

6835

6829

6823

6817

6811

6838

6832

PROPOSED  
HOUSE

6826

22'

6820

6814

8208